

UNITED STATES DISTRICT COURT)
) ss 20-mj-384 HB
COUNTY OF HENNEPIN)

AFFIDAVIT

I, Liane M. Sellner, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I have been a special agent of the ATF since September 2003. I have participated in investigations of arsons and in other violations of federal law. I have training and experience in the investigation of Federal laws pertaining to arson. I have participated in the execution of search warrants in which evidence related to arson was seized. The investigations have resulted in the arrests of criminal defendants. During my career, my investigations have included the use of various surveillance techniques and the execution of various search, seizure, and arrest warrants. I have used historical cell site analysis to locate phones of subjects and victims in numerous investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Montel Terriel LEE for arson on property

used in interstate commerce, in violation of Title 18, United States Code, Section 844(i).

3. This affidavit is based on my personal knowledge, as well as information I have learned from other law enforcement officers and the review of reports, written materials, and recordings. This affidavit does not include all of the details I have learned regarding this investigation. Rather, it only includes information believed to be sufficient to establish probable cause.

PROBABLE CAUSE

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show that there is probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

Background

5. On May 25, 2020, George Floyd was involved in an encounter with several Minneapolis Police Department (MPD) officers which resulted in Mr. Floyd's death and criminal charges against the MPD officers.

4. By the morning of Tuesday, May 26, local and national news outlets had picked up the story about Mr. Floyd's death, and by Tuesday afternoon, thousands of people were gathered in the area of 38th and Chicago Avenue to protest the treatment of Mr. Floyd.

5. Following the mostly peaceful protests that occurred on Tuesday night, the Cities of Minneapolis and St. Paul, and some surrounding communities, have endured three

nights of violence and destruction. Between Wednesday night and the early hours of Saturday morning, following several organized and peaceful protests, hundreds of individuals carrying on into the night vandalized and looted local businesses and destroyed buildings, vehicles, and other property through arson, smashing doors and windows, hurling objects and other measures. On the night of Wednesday, May 27, for example, individuals broke into the Target Store and Cub Foods near the East Lake Street/Hiawatha intersection in Minneapolis, near the site where the police encountered Mr. Floyd that Monday, vandalized and looted the businesses and then set the buildings on fire. Both properties were destroyed by fire. Numerous other businesses in the neighborhood and in the City of St. Paul, were looted or partially destroyed by vandalism and/or fires. On the night of Thursday, May 28, the Minneapolis Third Precinct police building was overrun and destroyed by fire.

6. On Friday, May 29, 2020, following the first two nights of violence, a Minneapolis police officer was charged with two felony offenses related to the death of Mr. Floyd. Mayors in Minneapolis and St. Paul imposed curfews in effect Friday and Saturday nights, from 8:00 p.m. until 6:00 a.m., and Minnesota Governor Tim Walz issued an executive order that implemented the curfew in both cities. The Minneapolis Order, for example, provides that during the hours of the curfew, “all persons must not travel on any public street or in any public place.” The terms “travel” and “public place” are defined broadly, to include travel by foot, bicycle, skateboard, automobile or other means of transporting a person from place to place, on any space, whether publicly or privately

owned, that is accessible to the general public including streets, sidewalks, alleys, driveways, and vacant properties.

7. Despite the curfew order, thousands of individuals remained on the streets Friday night after 8:00 p.m. into the Saturday morning hours, vandalizing, looting, starting fires, and otherwise destroying public and private property and endangering life. For example, vandals broke in to the United States Post Office at 110 East 31st Street, in Minneapolis and set it on fire; the building was destroyed.

8. As of Saturday morning, May 30, the Minneapolis Star Tribune reported that approximately 246 businesses across the Twin Cities area had been vandalized, looted, partially or completely destroyed by fire, or otherwise severely damaged.

The Arson of the Max It Pawn

9. On June 8, 2020, ATF Special Agent Certified Fire Investigators received information from an anonymous source. The anonymous source forwarded three videos from an arson of a building later determined to be the Max It Pawn, located at 2726 E Lake Street, Minneapolis, Minnesota. The arson took place on May 28, 2020.

10. The first video begins with people looting the Max It Pawn. Then a masked man, identified as LEE, is shown pouring liquid out from a metal container throughout the pawn store. The video then cuts to outside the pawn shop, which is now on fire. LEE is shown, now not wearing a shirt, holding his fist up. The man taking the video exclaims “Oh, shit—you really did it!”

11. The second video begins with the man identified as LEE standing in front of the pawn shop as it is in flames. The individual filming asks LEE "What you do, Tez?" LEE responds "Fuck this place. We're gonna burn this bitch down."

12. The third video begins with a group of men, including the man identified as LEE, joking about restaurants they are going to "hit" next. It then cuts to a recording of a cell phone showing the looting of the pawn shop.



Figure 1: A still from the first video, showing the pouring of liquid over the pawn shop.



Figure 2: The man later identified as LEE, in front of the burning pawn shop.

13. On June 8, 2020, a Special Agent Certified Fire Investigator forwarded an image from the videos to the Rochester Minnesota Police Intelligence Unit. That unit was able to determine the subject depicted in the video was Montez Terrill LEE, date of birth 4/22/1995.



Figure 3: Cropped image of the man in front of the burning pawn shop.



Figure 4: Booking photographs of LEE.

14. Additionally, tattoos of the man in front of the burning pawn shop are consistent with known tattoos of LEE's.



Figure 5: Known tattoo on LEE's right forearm.



Figure 6: Cropped image of right forearm of man in front of burning pawn shop (upside down to match the orientation of Figure 5).

15. LEE is known to maintain a Facebook account under the username “Prod TheMastermind.” JOHNSON is known to maintain a Facebook account under the username “TheAmbassador Don.” In a publicly available post following the burning of the Max It Pawn, a post was made on LEE’s account from JOHNSON’s account. The post stated “Prod The Real Activist Doe” and was followed by “emojis” of a laughing face, fire, and a skull.

16. On June 10, 2020, ATF Special Agent Brian Parker told me that he had spoken with Kim Baney, Loss Prevention Manager for EZCorp. Kim Baney told Agent Parker that Max It Pawn is a holding of EZCorp. Which is based in the state of Texas.

CONCLUSION

17. Based on the information set forth above, there is probable cause to believe that the Defendant, Montel Terriel LEE, violated Title 18, United States Code, Section 844(i), by committing arson on property used in interstate commerce.

Respectfully submitted,


LIANE M. SELLNER
ATF Special Agent

SUBSCRIBED and SWORN before me
by reliable electronic means (FaceTime and
email) pursuant to Fed. R. Crim. P. 41(d)(3) on
June 11, 2020:


HILDY BOWBEER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA